

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 26, 2020

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star Gazette and Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

This meeting was held in person and on the Zoom platform. The Township Committee and the public were able to remotely hear the meeting audio.

Roll Call: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Salute to the flag was done by all.

APPROVAL OF THE MINUTES

Mr. Hayes made a motion to approve the August 12, 2020 Regular Session Minutes, which was seconded by Mrs. Mora Dillon.

Mayor Watters stated a change to be made on page 3, first paragraph is in reference to Bright Road.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mrs. Mora Dillon made a motion to approve the August 12, 2020 Executive Session Minutes, which was seconded by Mr. Farino.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

BILL LIST

Mrs. Mora Dillon made a motion to approve the August 26, 2020 Bill List, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: Mr. Farino

CLERK'S REPORT

HVAC Evaluation – Ms. Hrebenak stated the company came in to evaluate the VAV boxes. They made a few minor changes and will wait to see how it works out. They suggested testing for a free-on leak and gave a quote. Ms. Hrebenak asked if the Committee is interested in the testing. Mr. Farino will speak to the company and we will discuss it at the next meeting.

Snowplow Drivers – Ms. Hrebenak wanted the Committee's opinion on advertising for part-time snowplow drivers in September so that we can receive the applications and get people lined up before any storms.

Mrs. Mora Dillon made a motion to advertise for snowplow drivers, which was seconded by Mr. Farino.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Health Department Guidelines – will be out the beginning of September from the Department of Health for the opening of government offices. As of today the building has been running with little to no complaints that the offices are closed to the public. Should the offices remain closed to the public and wait for the guidance.

The Committee members agreed to wait for the guidance from the State Board of Health guidelines.

FINANCE REPORT

Mayor Watters asked if there was any information from the County on the In Rem Foreclosures. Ms. Hrebenak stated they had been entered. Mrs. Mollineaux stated she will send the list to Max Spann for suggestions on which option is best to auction the properties and then will let the Committee know.

EMPLOYEES' REPORTS

Recycling Center – As discussed at the last meeting, the recycling center is closed to the municipality, Mrs. Fascenelli drafted a letter to send to PCFA requesting their acceptance of our recycling. The committee agrees that the letter should be sent and the Mayor stated he will sign it.

ENGINEER'S REPORT

Airport Road – Update on Airport Road survey. We already started design work on it for the bids packages to be completed.

Watters and Heiser Roads – Two (2) months out to get the final payment

Zoning Meadows – As of today there are 38 homes that have received their Certificates of Occupancy. Five (5) more may be completed in a few weeks. Today we received four (4) new permits. It takes three (3) months from the time they submit a permit to the final survey. By the end of the year, they'll have 47 homes completed. The threshold for the clubhouse is 60.

Mr. Kastrud spoke to the sewer engineer who designed the plant who says that rather than getting flows of

300, they estimated between 100-150. The flows are as low as 40-50 gallons per day per homes which is low. With all the water-saving faucets and fixtures installed in the homes, they don't consume or waste that much. Mayor Watters stated that all the homes have water meters, so it's easy to check them for exactly what they're using. He asked how many homes will be built before they build the sewer plant. Mr. Kastrud stated they originally estimated between 70-100 and it may be slightly more. They need 10,000 gallons. The equalizer tank is the only piece that's been installed and they're pumping it twice a week with a 6,000-gallon truck. Mr. Kastrud is not sure how much is being taken away.

Outdoor Dining – There is a question of the number of restaurants taking advantage of the outdoor seating. Three (3) have taken out permits, three (3) more are taking advantage without permits. There are three (3) more using sidewalks that are not permitted. The plan is to send them a letter that it is allowable, but they need to apply for the permits and follow all State and the Warren County Board of Health rules.

Janes Chapel – The grant is in; haven't heard back yet.

Bright Road Culvert – Mr. Kastrud looked at the transportation alternative grant. He and Mr. Snyder looked at it the last time the road washed out. They haven't come up with a solution to the problem. We are constrained by the size of the underpass railroad. Mayor Watters suggested that engineering be part of the money from the grant. Mr. Kastrud agreed.

PUBLIC PORTION

Mayor Watters opened the public portion of the meeting; seeing no comment from the public, public portion was closed.

RESOLUTIONS

**RESOLUTION # 2020-121
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY
OVERPAYMENT OF TAXES**

WHEREAS, the property shown below has an overpayment for the 3rd Quarter, 2020:

Block 1102 Lot 3.15 \$2,775.90

And, Whereas the Tax Collector has received a written request for the overpayment to be returned to the property owner:

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 26th day of August, 2020 that the Tax Collector and Township Finance Office are hereby authorized to refund this tax overpayment in the amount of \$2,775.90 to

Danielle Weber

12 Harmony Lane

Hackettstown, NJ 07840

Mr. Hayes made a motion to approve Resolution 2020-121, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters
Nays: None
Absent: None
Abstain: None

RESOLUTION NO. 2020-122

**TOWNSHIP OF MANSFIELD
WARREN COUNTY**

Granting Paid Sick Leave to Department of Public Works (Machine Operator)

WHEREAS, the Township Committee (“Committee”) of the Township of Mansfield (“Township”) finds and declares that John Tate, Jr. (“Employee”) is an employee of the Mansfield Township Department of Public Works; and

WHEREAS, the Committee further finds and declares that the Employee will be out of work on paid leave as of August 19, 2020 and

WHEREAS, the Committee further finds and declares that the Employee has leave days accrued that could be used for salary compensation during the duration of his paid leave;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield does hereby grant paid leave to Township Employee, John Tate, Jr., during the period of August 19, 2020 through August 31, 2020; and

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby directed to formally notify the Public Employees’ Retirement System of said status and to cause the same to be included in the records maintained for said employee.

Mr. Farino made a motion to approve Resolution 2020-122, which was seconded by Mr. Hayes.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters
Nays: None
Absent: None
Abstain: None

RESOLUTION 2020-123

A RESOLUTION AUTHORIZING IN-REM FORECLOSURE PROCEEDINGS

WHEREAS, the Certified Tax Collector of the Township of Mansfield has prepared the attached in-rem Tax Foreclosure list, and;

WHEREAS, it is the desire of the Township Committee to institute an in-rem tax foreclosure proceeding against the properties as set forth,

WHEREAS, it is in the best interest of the municipality to institute said proceedings,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 26th day of August 2020, that the Tax Sale Certificates on the attached Tax Foreclosure List, now held by the Township of Mansfield be foreclosed by summary proceedings, in-rem, and as described and set forth in NJS 54:5-104 et seq., as amended, and pursuant to the Rules of Civil Practice of the Supreme Court of the State of New Jersey.

Mr. Hayes made a motion to approve Resolution 2020-123, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

**RESOLUTION 2020-124
RESOLUTION OF THE TOWNSHIP OF MANSFIELD
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY
PLANET NETWORKS, INC.**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "the consent of the municipality shall be obtained for the use by a person of the poles of 'another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "the board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "any telegraph or telephone company organized

under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

Mrs. Mora Dillon made a motion to table Resolution 2020-124 for further discussion, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

**TOWNSHIP OF MANSFIELD
COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION 2020-125**

**A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY
AUTHORIZING PARTICIPATION IN THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS' PROGRAM
TO REIMBURSE WARREN COUNTY LOCAL RESTAURANTS AND BARS THE SUM OF SEVENTY-FIVE
DOLLARS (\$75.00) AS A RESULT OF THE SPECIAL FEE/TAX IMPOSED BY THE NEW JERSEY STATE
ALCOHOLIC BEVERAGE COMMISSION FOR THE ABILITY TO SERVE ALCOHOLIC BEVERAGES OUTSIDE
THEIR LICENSED PREMISES**

WHEREAS, the Warren County Board of Chosen Freeholders of the County of Warren ("Freeholders") adopted a Resolution whereby it expressed its understanding of the financial destruction that the COVID19/Pandemic has imposed upon local businesses in the County of Warren; and

WHEREAS, the Freeholders have created an Economic Development Advisory Committee to help foster and encourage opportunities for local businesses; and

WHEREAS, the Pandemic and concomitant closure of local restaurants and bars has had a chilling and devastating financial effect upon local business owners and their employees; and

WHEREAS, the New Jersey State Alcoholic Beverage Commission has imposed a seventy-five dollar (\$75.00) licensing fee and/or additional tax for establishments who will soon be able to serve alcoholic beverages outside their licensed premises within the guidelines for social distancing and Executive Order 150 imposed by the Governor; and

WHEREAS, the Freeholders and Township of Mansfield recognize that this additional fee and/or tax creates an additional burden and hardship upon proprietors of establishments which have been closed for ninety (90) or more days; and

WHEREAS, the Freeholders has expressed its understanding of the concerns of local business owners, its concerns of local business owners, its concern for their economic viability, and has determined that available funds to cover this unnecessary excessive fee/tax are available in the account of the Economic Development Advisory Committee; and

WHEREAS, the Freeholders will tender payment for this unnecessary fee/tax to the Municipal Clerks of each Warren County municipality for those businesses to serve the public via outdoor dining and consumption of alcohol and in conformance with all Executive Orders from the State.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Mansfield, in the County of Warren, and State of New Jersey, as follows:

1. The Township authorized to participate in the reimbursement program established by the Warren County Board of Chosen Freeholders.
2. The Clerk is authorized to take whatever steps are necessary to facilitate the purpose of this Resolution and to ensure participation in the reimbursement program to assist local business owners.
3. The Clerk shall provide the Township Committee with an accounting of funds received through the program and funds dispensed to business owners.
4. The Clerk shall serve a certified copy of this Resolution upon the Warren County Board of Chosen Freeholders.

This Resolution shall take effect immediately.

Mr. Farino made a motion to approve Resolution 2020-125, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

RESOLUTION # 2020 –126
REFUND OF A LAND USE BOARD APPLICATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Carol Thompson issued a check dated 11/13/15 with the Township of Mansfield, County of Warren,

WHEREAS, there remains a balance of \$ 7.50 in the escrow account,

WHEREAS, the Land Use Board Engineer has determined that the escrow balance can be refunded,

NOW, THEREFORE, BE IT RESOLVED, that the Township Finance Office be authorized to refund the amount of \$ 7.50 to Carol Thompson.

Mr. Farino made a motion to approve Resolution 2020-126, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION reopened

Mayor Watters reopened the public portion of the meeting.

Bill Sosis, 15 Brantwood Terrace, stated he is opposed to Resolution 124, stating concerns of the public right of way.

With no further comments from the public, the public portion was closed.

PERSONNEL MATTER

Mr. Wenner stated a letter was issued to Mr. Tate to discuss personnel matters of which Mr. Tate requested it be discussed in open session. This is a discussion amongst the Committee and not a back and forth with the employee in question, unless the Committee elects to ask the employee questions. The employee is not under any obligation to answer any of those questions. Mr. Farino stated several instances about Mr. Tate's performance. Mr. Hayes stated there is a hostile work environment, and also has received resident's complaints.

Mr. Wenner suggested to authorize a sit down with Mike Broderick, the Teamster's representative, and the

members of the Union to have a candid conversation with them with Mr. Wenner as representative of the Committee with Mr. Farino. Mr. Wenner will request the meeting for next week.

Mr. Farino made a motion to authorize the meeting, which was seconded by Mrs. Mora Dillon.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

EXECUTIVE SESSION

Mayor Watters announced moving into Executive Session.

Mr. Wenner stated the Executive Session discussion will include:

- Contractual matter with the Police Department

No action will be taken in Executive Session and no action will be taken in Open Session.

Mr. Hayes made a motion to go into Executive Session at 8:09 pm, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. Farino, Mrs. Mora Dillon, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

RETURN FROM EXECUTIVE SESSION

Return from Executive Session at 8:39 pm.

Mr. Hayes made a motion to return to Regular Session, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. Farino, Mr. McGuinness, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mr. Wenner announced the return from Executive Session where they discussed:

- Personnel Matter dealing with a Police Officer
- Personnel Matter dealing with the DPW Supervisor
- Contractual Matter dealing with the cleaning company

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

COMMITTEE REPORTS

No comments from the Committee at this time.

Mr. Hayes made a motion to adjourn at 8:40 pm, which was carried by all.